

# **WATER QUALITY CONTROL BOARD NORTH COAST REGION**

## **EXECUTIVE OFFICER'S REPORT**

**February 2003**

### *CLEANUPS AND SPECIAL INVESTIGATIONS DIVISION*

#### **USTFC Pay for Performance Pilot Program for Humboldt Petroleum, Inc. Secondary Source Remediation**

[Staff Contact: Lisa Bernard]

The Underground Storage Tank Cleanup Fund (USTCF) currently offers a pay for performance (PFP) pilot program to their claimants. The PFP pilot program differs from the standard method of reimbursement for underground storage tank investigations, which is usually based on time and materials. The PFP pilot program establishes a condition of payment between the USTCF and the claimant for remediation to negotiated target levels. The chemical mass and media to be effected by the agreed upon remedial action(s) is tied directly to a set contract price. Allocations of the contract monies are distributed as project milestones are met; such as complete installation and activation of the remedial system, realization of a 25 percent reduction of contaminant concentrations in groundwater, 50 percent reduction, etc. The final payment is disbursed upon completion of groundwater monitoring results over a one-year period, which confirm that the contracted remedial goals have been achieved. Under the PFP program, the consulting engineer can increase the project's profitability by achieving the target levels in the shortest time period, that is technically feasible.

The Humboldt Petroleum, Inc. (HPI) site at 1006 Highway 101 North in Crescent City is one of the first underground storage tank facilities in the North Coast Region to enter the PFP program. The HPI facility has operated as a service station since the early 1950s. Evidence of discharges was identified when five underground storage tanks (UST) formerly containing gasoline and diesel products were removed from the site in 1991. The USTs were replaced and the station continues to operate today.

Ongoing investigations since 1992, including twenty eight temporary soil borings, eight monitoring wells, storm water sampling, and periodic groundwater monitoring, have defined the vertical and horizontal extent of HPI site related contamination. Investigation results revealed that onsite soil impacted with total petroleum hydrocarbons as gasoline and diesel was acting as a secondary source through continued leaching of contaminants to groundwater. Regional Water Board staff approved the use of an ozone (O<sub>3</sub>) sparging system to mitigate the HPI soil contamination.

The O<sub>3</sub> system installation and operation costs are being reimbursed in accordance with a contractual agreement with the USTCF under the PFP pilot program. The O<sub>3</sub> system consists of sixteen sparge points installed in nine dedicated wells. Some of the wells were installed at an angle to better influence impacted soil, which extends beneath Highway 101.



Ozone System Installation,  
Photo Provided by LACO Associates

The O<sub>3</sub> is generated onsite, then pumped through the sparge points to the affected soil zones by oxidizing the hydrocarbon contamination. Complete oxidation of hydrocarbon constituents results in formulation of carbon dioxide and water. Preliminary results from confirmation groundwater monitoring indicate a reduction in contaminant concentrations measured in orders of magnitude, after approximately five months of system operation at the HPI site.

### **Perchlorate in Region 1**

[Staff Contact: Luis Rivera]

Perchlorate is both a natural and a man-made salt. It is primarily used as an oxidizer in solid fuels for rockets and missiles. Perchlorate has been featured in the news recently, due to substantial groundwater contamination problems in southern California and the Morgan Hill-Gilroy area. In early February, the state Senate held a hearing on the extent of perchlorate impacts in California groundwater. To prepare for the hearing, all nine Regional Water Boards provided current information on perchlorate sites in their regions via Geotracker, the State Water Board's database for contamination sites. No sites have been identified in our region.

Perchlorate (not to be confused with the dry-cleaning solvent perchloroethylene) is a highly soluble, inorganic chemical used in the manufacture of explosives such as rocket fuel, highway flares, matches, and even inflatable air bags. It also occurs naturally in some organic fertilizers. Perchlorate is a threat to human health because, when consumed, it can substitute for iodide, leading to improper function of the thyroid gland. It is particularly damaging to developing

fetuses, therefore it is considered an acute, rather than a chronic, toxin. In recent years, primarily as a result of improved laboratory detection methods, perchlorate has emerged as a significant threat to groundwater supplies, particularly in the western states. Perchlorate's toxicity is still being evaluated, and an enforceable drinking water standard has not been established, although both the USEPA and Cal/EPA are working towards this goal.

Staff will evaluate available records and information to determine whether the use of perchlorate is suspected at locations within our region.

## ***WATERSHED MANAGEMENT DIVISION***

### **Basin Plan Amendment for Sediment**

[Staff Contact: Ben Kor]

Regional Water Board staff work on the development of the Basin Plan Amendment for Sediment has been temporarily suspended as a result of the departure of key staff person, Carrie Lukacic. Following the completion of current assignments, Ben Kor and other staff members will assume responsibility for completing the draft Basin Plan amendment package. The Basin Plan amendment package will include a draft staff report, proposed amendment language, and a CEQA analysis. The draft staff report will detail the goals of sediment discharge reduction, the recommended strategy(s) to reduce sediment discharges, and alternative approaches considered. Staff will propose Basin Plan amendment language for consideration by the Regional Water Board staff. After receiving final Board guidance, the Basin Plan amendment package will be released to the public, agencies, and stakeholders for comment and Board workshops will be conducted to collect public comment. Comments received, either written or oral, during the public comment period will be addressed and a final amendment package developed prior to the Board's consideration for adoption. At present, it is anticipated that the Basin Plan amendment package will be ready for preliminary review by the Regional Water Board in August 2003.

## **Status of Technical Total Maximum Daily Loads (TMDLs) in the Region**

[Staff Contact: David Leland]

Under an agreement between the North Coast Regional Water Quality Control Board (Regional Water Board) and U.S. Environmental Protection Agency (USEPA) Region 9, a primary focus of TMDL work in the Region has been the preparation of technical TMDL analysis reports, prepared by USEPA and established in conformance with schedules developed as part of the Consent Decree that identifies 18 watersheds in the Region for TMDL development. In support of USEPA in these efforts, North Coast Regional Water Board staff have prepared Technical Support Documents (TSDs) for USEPA. These TSDs have formed the basis for USEPA technical TMDLs in the Gualala, Mattole, and Navarro watersheds.

With USEPA's establishment of the TMDLs for the Mattole at the end of 2002, North Coast Regional Water Board staff will no longer be preparing TSDs. USEPA will be preparing technical TMDLs for the Eel River watershed using USEPA staff and contractor resources. Meanwhile, North Coast Regional Water Board staff efforts have turned to the Klamath Basin, where Consent Decree schedules call for completion of technical TMDLs prepared by your staff over the next three years. North Coast Regional Water Board adoption of TMDLs with Action Plans for all Consent Decree TMDLs in the Klamath Basin is scheduled over the next four years, through the end of 2006.

The first TMDL analyses scheduled for completion are those for nutrients and temperature in the Salmon River, and for nutrients and temperature in the upper portion of the Lost River (Clear Lake reservoir area). A draft Salmon watershed analysis is scheduled for completion in June 2003. Preliminary results of the analysis indicate little or no evidence of impairment associated with nutrient conditions in this watershed. We anticipate recommending delisting of this watershed for nutrient impairment. A draft TMDL analysis for the upper Lost River will be completed this summer. Again, preliminary results indicate little or no evidence of nutrient impairment.

The next watersheds slated for technical TMDLs are the Lower Lost (Tulelake area), Scott, and Shasta. The analysis effort is underway in each of these watersheds. Draft technical TMDL analyses for these watersheds are scheduled for completion in late 2004.

## **North Coast Watershed Assessment Program (NCWAP)**

[Staff Contact: Robert Klamt]

The Governor's Office review of the Mattole and Gualala rivers NCWAP watershed assessment reports was completed February 26, 2003. The NCWAP Teams are making some last minute edits to the reports and beginning the report reproduction process.

We expect the reports and appendices to be posted on the NCWAP web site ([www.ncwatershed.ca.gov](http://www.ncwatershed.ca.gov)) by March 20, 2003. Paper copies will be available by early April.

The Redwood Creek assessment report is still in draft form and will go for Governor's Office review around the end of March.

Work continues on the Big and Albion rivers, as well as the revision to the NCWAP Methods Manual.

## **WATERSHED PROTECTION DIVISION**

### **New Storm Water Regulations Go Into Effect**

[Staff Contact: John Short]

On Monday March 10, 2003, new federal regulations regarding storm water permits went into effect. The regulations are the second phase of an effort intended to reduce discharges of sediment and other runoff pollutants from cities, towns and construction projects. Existing rules, implemented under the federal Clean Water Act, cover construction areas larger than five acres and communities with populations more than 100,000. The new rule was written in 1999 but had their implementation delayed for four years. The rule requires builders and others whose construction project cover from 1-5 acres to get permits from the state. It also requires municipalities with populations of less than 100,000 to seek permits for urban runoff from developed areas.

The State Water Resources Control Board (State Water Board) has modified the "General Permit for Storm Water Discharges Associated With Construction Activity" in order to allow for coverage of projects between 1 and 5 acres. Regional Water Board staff prepared an outreach flyer to notify the public about the change. Copies were sent to all city and county offices in our region with a request for them to make it available to applicants for building and other local permits.

The State Water Board has drafted a general permit for discharges of storm water from small municipalities. Due to a recent decision by the federal Ninth Circuit Court of Appeals, adoption of the permit has been delayed. Regional Water Board staff have met with many of the region's Phase II municipalities to discuss the upcoming regulations. Most of the communities have started to prepare the required storm water management plan and are ready to implement their programs.

## **TIMBER HARVEST ACTIVITIES**

During the month of February 2003 the Timber Harvest Division received 28 new Timber Harvest Plans (THPs) and four amendments to THPs. Staff participated in First Review meetings for 16 THPs and participated in Second Review meetings for three THPs. Six inspections were also conducted during February 2003.

NOTE: This is a snap shot of a working database with data entered as of March 12, 2003.

## **CLEANUP AND ABATEMENT ORDERS**

There were no Cleanup and Abatement Orders issued during the month of February 2003. One Recision of a Cleanup and Abatement Order was issued to McMurray and Sons Roofing for Stone Lagoon, Highway 101, mile marker 115.2, Orick, California.

## **CALIFORNIA WATER CODE SECTION 13267 LETTER ORDERS**

There were two California Water Code section 13267(b) letter Orders issued during the month of February 2003. The first letter was issued to Mr. James Fouche, Fouche Auto Wreckers in the matter of Fouche Auto Wreckers, 2290 Dutton Avenue, Santa Rosa. The Order required submission of information regarding any lease or other contractual agreements with prospective property buyers and disclosure information in a Memorandum of Real Estate Property Agreement that was recorded in Sonoma County on February 8, 2003. Additionally, the Order requested a chronology of all past and present business owners, operators, or tenants for the time period of James A. Fouche's ownership of the site.

The second Order was issued on February 18, 2003, to Mr. Ted Allegra, Allefax, c/o Aladdin Mortgage Corp. and Mr. Joe Cannefax in the matter of Allefax, 1 Sebastopol Avenue, Santa Rosa, California to request historical information about all owners, operators, and tenants at the site who may have contributed to the surface discharges.

## **SPILLS, COMPLAINTS, AND INVESTIGATIONS**

Eight complaints were received during the months of February 2003 to date. There are a total of 34 spills reported by staff over the last year.

## **ADMINISTRATIVE CIVIL LIABILITY COMPLAINTS/ ORDERS**

One Administrative Civil Liability (ACL) Complaint was issued on January 30, 2003 and was not noted in last months Executive Officer's Report. On January 30, 2003 Order No. R1-2003-0023 was issued in the matter of Carl Boyett, Carol Boyett, Boyett Petroleum for failure to comply with Time Schedule Order No. 98-114. The Complaint Liability was issued in the amount of \$1,305,000. Of the total amount, \$401,666.66 shall be

permanently suspended upon submittal of an acceptable Corrective Action Plan (CAP) by March 1, 2003; \$133,888.88 shall be permanently suspended upon adequate (CAP) implementation to abate the discharge to Santa Rosa Creek by December 1, 2003; \$133,888.88 shall be permanently suspended upon adequate CAP implementation to removed and/or effectively treat any remaining on and off site sources by December 1, 2003; 401,666.66 shall be permanently suspended upon adequate CAO implementation to restore the beneficial uses of groundwater and remediate the on and off site dissolved phase gasoline plume; \$133,888.88 shall be permanently suspended upon submittal of an adequate report of work completed under the CAP to restore the beneficial uses of groundwater and remediate the on and off site dissolved phase gasoline plume.

One Administrative Civil Liability (ACL) Complaint was issued during February 2003. On February 5, 2003 Order No. R1-2003-0024 was issued to Hopland Public Utilities for failure to submit monthly self-monitoring reports. The liability was assessed at \$45,000 with \$22,500 due and payable in three installments by June 30, 2003. The remaining \$22,500 is suspended contingent on punctual, complete submittal of self-monitoring reports for 25 months.

## **UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM**

For the month of January 2003, there has been a total of \$790,372 in funds issued to tank owners in Region 1 from the Underground Storage Tank Cleanup Fund. There were seven (7) letters of commitment issued during the month of January 2003.

## **CLEAN WATER ACT SECTION 401 CERTIFICATIONS**

Eight new applications for Clean Water Act Section 401 Water Quality Certification were received in February 2003. Five 401 Certifications were issued in February 2003.

Information regarding all proposed certifications is available at our Internet web site at:

[http://www.swrcb.ca.gov/rwqcb1/Public\\_Notices/401certs/notice401.html](http://www.swrcb.ca.gov/rwqcb1/Public_Notices/401certs/notice401.html)

## **PUBLIC FILE REVIEW**

From February 1 through February 28, 2003, three written requests were made for review of the Regional Water Board's records. In addition, a total of 11 people came into the office and requested file review during the month of February 2003.

## **MAY REGIONAL WATER BOARD WORKSHOPS AND MEETINGS**

On May 15, 2003 the North Coast Regional Water Board will hold its Public Meeting at the Regional Water Board Hearing Room, 5550 Skylane Boulevard, Suite A; Santa Rosa, California

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our web-site at <http://www.swrcb.ca.gov>.